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February 14, 2020

BY ECF

Honorable Katharine H. Parker
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Hake, et al. v. Citibank, N.A., et al., No. 19-mc-0125

Dear Judge Parker:

We represent defendant HSBC Bank USA N.A. (“HSBC Bank USA”) in the referenced action. Your Honor’s Order dated January 10, 2020 (the “Order”) directed HSBC Bank USA, if it was unable to produce data being sought by Plaintiffs—specifically, transactional records maintained and collected outside of the United States as part of a review conducted by Deloitte LLP in 2010 for HSBC Holdings plc, the UK-based ultimate corporate parent of HSBC Bank USA—to submit sworn testimony explaining the reasons therefor. *See* ECF No. 113.

HSBC Bank USA is unable to produce the records being sought by Plaintiffs. Pursuant to the Order, we submit the enclosed declarations explaining why:

- February 14, 2020, Declaration of Michael R. Mendola, Associate General Counsel, HSBC Technology and Services, Inc.
- February 14, 2020, Declaration of Landis C. Best, partner at Cahill Gordon & Reindel LLP.

Respectfully submitted,

/s/ Robert W. Hamburg

Robert W. Hamburg

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Cc: Counsel of Record